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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,124	06/01/2001	Rudolf Ritter	P-281272/150	9808
22850	7590	06/19/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PEREZ, JULIO R	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 06/19/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.		Applicant(s)	
	09/857,124		RITTER, RUDOLF	
	Examiner		Art Unit	
	Julio R. Perez		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-18, 20-25, 27-32, 38-51, 56, 57, 59 and 64-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18, 20-25, 27-32, 38-51, 56, 57, 59 and 64-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 2/27/2007 have been fully considered but they are not persuasive. Applicant argues that Noreen does not teach the digital data including location parameters. However, the examiner respectfully disagrees. Noreen teaches transmitting identification information on the broadcast transmission and the program signal such a carrier frequency or identification of the program, from which the processing center can determine the advertisement and process an order by the user (col. 15, 35-42). Thus, giving its broadest and reasonable interpretation, Noreen teaches "location parameters", the processing center; i.e., service center, will process a service based on the order placed by the user; therefore, the user must have sent a signal to a place or location; hence, the location parameter where the advertisement was provided from. Applicant further argues that Noreen does not teach filtering location-specific information from the program –accompanying digital data based on the geographical location. However, the examiner respectfully disagrees. Noreen teaches classifying or filtering location-specific information from the program-accompanying digital data (receiving audio and advertisements) based on location (col. 13, lines 15-33, 24-42, 63-67, teach extracting the signal information related to, i.e., an advertisement, data of interest to the user, from the audio transmission, which read on filtering location specific data from the program-accompanying data.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15-16,18,20-23, 25,27-28,30, 32, 38-39,41, 44,46-47, 49, 51, 56, 59,64-70, are rejected under 35 U.S.C. 102(b) as being anticipated by Noreen et al. (hereinafter Noreen), US Patent Number 5,303,393.

Regarding claims 15 and 22, Noreen discloses mobile device and a method, comprising; a receiver configured to receive programs and program-accompanying digital data (col. 13, lines 24-32, a receiver, i.e., in a vehicle, receives music (audio) and displays advertisements along with broadcasted programs), wherein the programs include at least one of audio data and video data (col. 13, lines 24-42, the broadcast programs include visual or audible programs), and the program-accompanying digital data includes location parameters (col. 13, lines 44-62, the accompanying advertisements include an identification for sending a request via the mobile device; hence, a location parameter where an order can be sent or submitted to; i.e., a location); a position-locating module configured to determine a current geographic position of the mobile device (col. 14, lines 15-26); a filter module configured to filter location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographic position (col. 13, lines 15-33, 63-67, 27-40, the processor within the mobile transmitter extracts the signal information related to, i.e., an advertisement, data of interest to the user); and a communications

module configured to transmit data from personal device to a service center based on the location-specific information (col. 13, lines 43-55; col. 14, lines 1-14, 40-56, the user, with a push of a button, may send a request for a product to a processing center; i.e., a service center).

Regarding Claims 16 and 23, Noreen discloses the mobile device, wherein the position-locating module includes a satellite-based positioning system (col. 14, lines 15-26).

Regarding Claims 18 and 25, Noreen discloses the mobile device, further comprising: a display configured to receive and display the location-specific information; and operating elements configured to allow selecting and editing of the location-specific information (col. 13, lines 34-55, the information device presents information related to the data broadcasted on respective display).

Regarding Claims 20 and 27, Noreen discloses the device, wherein the location-specific information includes an URL address, and the communications module is further configured to activate a resource in the Internet based on the URL address (col. 13, lines 43-55; col. 14, lines 1-14, 40-56).

Regarding Claims 21 and 28, Noreen discloses the mobile device, further comprising a processing module configured to execute program data files contained in the location-specific information (col. 13, lines 15-33, 63-67, 27-40, the processor within the mobile transmitter extracts the signal information related to, i.e., an advertisement, data of interest to the user).

Regarding Claims 30 and 32, Noreen discloses, wherein the position-locating module is configured to obtain position indications from a mobile network (col. 14, lines 15-26).

Regarding Claims 38 and 39, Noreen discloses the mobile, wherein the programs include radio programs (col. 13, lines 15-33).

Regarding Claims 41, 56, Noreen discloses the mobile device, wherein the communications module is configured to transmit the data from the mobile device in accordance with a short message protocol (col. 13, lines 43-55; col. 14, lines 1-14, 40-56).

Regarding Claims 44, 47, 59, 65, 67, 68, 69, 70, Noreen discloses, wherein the transmitting includes transmitting a request for at least one of a product, a service, or additional information associated with at least one of the programs (col. 13, lines 24-33, 63-67; col. 14, lines 40-56).

Regarding Claims 46, 66, Noreen discloses, wherein the processor is further configured to: transmit data from the mobile device based on the comparison between the location parameters and the current geographic position (col. 13, lines 15-33, 63-67, 27-40).

Regarding Claims 49, 64, Noreen discloses, wherein the portable housing is configured as one of a mobile telephone housing, a handheld computer housing, or a portable computer housing (Figure 4).

Regarding Claim 51, Noreen discloses the mobile device, further comprising: a headphone jack configured to output an audio portion of the programs (Fig. 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17, 24, 29, 31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen, US Patent Number 6,961,555 in view of Park, US Patent Number 5,627,549.

Regarding Claims 17 and 24, Noreen does not specifically disclose the device, further comprising a memory module configured to store a user profile wherein the filter module is configured to receive the user profile and to filter the location-specific information from the program-accompanying digital data based on the user. However, Park teaches this limitation (col. 4, lines 35-57; col. 6, lines 41-67; col. 7, lines 1-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Noreen to include Park, as it is known to implement the device with user profile to create user-customized database in relation to user preferences.

Regarding Claims 29 and 31, Park discloses the mobile device, wherein the filter module is configured to: determine if a difference between the location parameters and the current geographic position is within a predefined range (col. 4, lines 37-57, calculation of distances between the vehicle position and the location of points of

interests may be executed), and filter the location-specific information from the program-accompanying digital data when the difference between the location parameters and the current geographic position is within the predefined range (col. 4, lines 20-57; col. 5, lines 27-47, information may be extracted and display for the user).

6. Claims 42,45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen in view of Boys, US Patent Number 6,314,094.

Regarding Claims 42, 45, Noreen does not explicitly disclose the mobile device, wherein the program data files include a Java applet.

However, in a similar field of endeavor, Boys discloses a wireless portable receiver system and method for transmitting requests via the Internet (col. 2, lines 48-65; col. 6, lines 30-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Noreen with the teachings of Boys in order to render a user with mechanisms communicate with the Internet.

7. Claims 40, 43, 48,50, 57, are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen, US Patent Number 6,961,555 in view of Park, US Patent Number 5,627,549, further in view of Lyons US Patent Number 6,282,412.

Regarding Claims 40,48,50, 43, 57, Noreen or Park does not explicitly disclose the mobile device, wherein the memory module includes a removable chip-card for storage medium.

However, in a similar field of endeavor, Lyons discloses a wireless portable receiver system and method for transmitting requests to a broadcasts server. Lyons further discloses means to communicate to store information within a removable card (col. 2, lines 33-44; Fig.1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Noreen and Park with the teachings of Lyons in order to render a user with mechanisms of removable memory card in order to have other means for storing services such as user's profile.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G. Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julio R Perez
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6/7/07


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